

# Exhibit A

STATE OF SOUTH CAROLINA

COUNTY OF Spartanburg

Glenda Belue and William Kruger,

Plaintiff(s)

vs.

Norfolk Southern Corporation,

Defendant(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2007 - CP - 42 - 3349

(Please Print)

Submitted By: Albert V. Smith

Address: 410 Magnolia Street, PO Box 5866  
Spartanburg, SC 29304SC Bar #: 5162  
Telephone #: 864-585-8174  
Fax #: 864-573-6843  
Other:  
E-mail:

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

## DOCKETING INFORMATION (Check all that apply)

\*If Action is Judgment/Settlement do not complete

- ☒ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.  
☐ This case is subject to ARBITRATION pursuant to the Circuit Court Alternative Dispute Resolution Rules.  
☐ This case is subject to MEDIATION pursuant to the Circuit Court Alternative Dispute Resolution Rules.  
☐ This case is exempt from ADR (certificate attached).

## NATURE OF ACTION (Check One Box Below)

- |   |   |  |  |
|---|---|--|--|
| <b>Contracts</b><br><input type="checkbox"/> Constructions (100)<br><input type="checkbox"/> Debt Collection (110)<br><input type="checkbox"/> Employment (120)<br><input type="checkbox"/> General (130)<br><input type="checkbox"/> Breach of Contract (140)<br><input type="checkbox"/> Other (199)              | <b>Torts - Professional Malpractice</b><br><input type="checkbox"/> Dental Malpractice (200)<br><input type="checkbox"/> Legal Malpractice (210)<br><input type="checkbox"/> Medical Malpractice (220)<br><input type="checkbox"/> Other (299)<br><u>Survival Action</u>  | <b>Torts - Personal Injury</b><br><input type="checkbox"/> Assault/Slander/Libel (300)<br><input type="checkbox"/> Conversion (310)<br><input type="checkbox"/> Motor Vehicle Accident (320)<br><input type="checkbox"/> Premises Liability (330)<br><input type="checkbox"/> Products Liability (340)<br><input type="checkbox"/> Personal Injury (350)<br><input type="checkbox"/> Other (399) | <b>Real Property</b><br><input type="checkbox"/> Claim & Delivery (400)<br><input type="checkbox"/> Condemnation (410)<br><input type="checkbox"/> Foreclosure (420)<br><input type="checkbox"/> Mechanic's Lien (430)<br><input type="checkbox"/> Partition (440)<br><input type="checkbox"/> Possession (450)<br><input type="checkbox"/> Building Code Violation (460)<br><input checked="" type="checkbox"/> Other (499)   |
| <b>Inmate Petitions</b><br><input type="checkbox"/> PCR (500)<br><input type="checkbox"/> Sexual Predator (510)<br><input type="checkbox"/> Mandamus (520)<br><input type="checkbox"/> Habeas Corpus (530)<br><input type="checkbox"/> Other (599)  | <b>Judgments/Settlements</b><br><input type="checkbox"/> Death Settlement (700)<br><input type="checkbox"/> Foreign Judgment (710)<br><input type="checkbox"/> Magistrate's Judgment (720)<br><input type="checkbox"/> Minor Settlement (730)<br><input type="checkbox"/> Transcript Judgment (740)<br><input type="checkbox"/> Lis Pendens (750)<br><input type="checkbox"/> Other (799) | <b>Administrative Law/Relief</b><br><input type="checkbox"/> Reinstate Driver's License (800)<br><input type="checkbox"/> Judicial Review (810)<br><input type="checkbox"/> Relief (820)<br><input type="checkbox"/> Permanent Injunction (830)<br><input type="checkbox"/> Forfeiture (840)<br><input type="checkbox"/> Other (899)   | <b>Appeals</b><br><input type="checkbox"/> Arbitration (900)<br><input type="checkbox"/> Magistrate-Civil (910)<br><input type="checkbox"/> Magistrate-Criminal (920)<br><input type="checkbox"/> Municipal (930)<br><input type="checkbox"/> Probate Court (940)<br><input type="checkbox"/> SCDOT (950)<br><input type="checkbox"/> Worker's Comp (960)<br><input type="checkbox"/> Zoning Board (970)<br><input type="checkbox"/> Administrative Law Judge (980)<br><input type="checkbox"/> Public Service Commission (990)<br><input type="checkbox"/> Employment Security Comm (991)<br><input type="checkbox"/> Other (999) |
| <b>Special/Complex /Other</b><br><input type="checkbox"/> Environmental (600) <input type="checkbox"/> Pharmaceuticals (630)<br><input type="checkbox"/> Automobile Arb. (610) <input type="checkbox"/> Unfair Trade Practices (640)<br><input type="checkbox"/> Medical (620) <input type="checkbox"/> Other (699) |   |  |  |

Submitting Party Signature:



Date: September 24, 2007

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCR, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

**FOR MANDATED ADR COUNTIES ONLY**

Florence, Horry, Lexington, Richland, Greenville\*\*, and Anderson\*\*

\*\* Contact Respective County Clerk of Court for modified ADR Program Rules

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

**You are required to take the following action(s):**

1. The parties shall select a neutral within 210 days of filing of this action, and the Plaintiff shall file a "Stipulation of Neutral Selection" on or before the 224<sup>th</sup> day after the filing of the action. If the parties cannot agree upon the selection of the neutral within 210 days, the Plaintiff shall notify the Court by filing a written "Request for the Appointment of a Neutral" on or before the 224<sup>th</sup> day after the filing of this action. The Court shall then appoint a neutral from the Court-approved mediator/arbitrator list.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Case are exempt from ADR only upon the following grounds:
  - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
  - b. Cases which are appellate in nature such as appeals or writs of certiorari;
  - c. Post Conviction relief matters;
  - d. Contempt of Court proceedings;
  - e. Forfeiture proceedings brought by the State;
  - f. Cases involving mortgage foreclosures; and
  - g. Cases that have been submitted to mediation with a certified mediator prior to the filing of this action.
4. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference had been concluded.

**Please Note:**     **You must comply with the Supreme Court Rules regarding ADR.**  
                             **Failure to do so may affect your case or may result in sanctions.**

STATE OF SOUTH CAROLINA )  
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COUNTY OF SPARTANBURG )  
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Glenda Belue and William Kruger,) )  
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)  
Plaintiffs, )  
)  
-vs- )  
)  
Norfolk Southern Corporation, )  
)  
)  
Defendant. )  
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IN THE COURT OF COMMON PLEAS  
(Jury Trial Requested)

**SUMMONS**

C.A.#: 07-CP-42-

3349

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to Roger A. Petersen  
Roger A. Petersen  
9-28-07

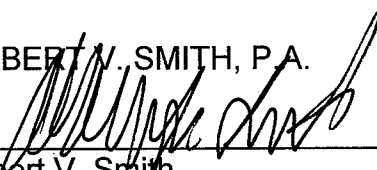


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JENNYVILLE COUNTY  
SHERIFF'S OFFICE  
CIVIL DIVISION

**TO THE DEFENDANT ABOVE-NAMED:**

**YOU ARE HEREBY SUMMONED** and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Complaint on the Plaintiff or his/her attorney at Post Office Box 5866, 410 Magnolia Street, Spartanburg, South Carolina 29304, within thirty (30) days after the date of service hereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for the relief demanded in the Complaint.

ALBERT V. SMITH, P.A.

  
Albert V. Smith  
Attorney for Plaintiff  
410 Magnolia Street  
P.O. Box 5866  
Spartanburg, SC 29304  
(864)585-8174

September 24 2007  
Spartanburg, South Carolina

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JANIS KILGORE

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to Roger A. Petersen

STATE OF SOUTH CAROLINA )  
COUNTY OF SPARTANBURG )

IN THE COURT OF COMMON PLEAS  
(JURY TRIAL REQUESTED)

Glenda Belue and William Kruger, )

Plaintiff, )

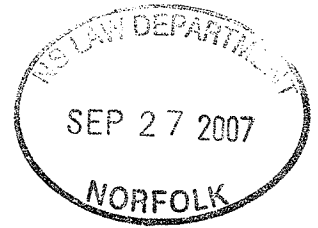
vs. )

Norfolk Southern Corporation, )

Defendants. )

**COMPLAINT**


C.A. No.: 2007-CP-42-3349



The Plaintiffs allege:

1. That they are citizens and residents of the County of Spartanburg, state of South Carolina.
2. That the Defendant corporation, upon information and belief, is organized pursuant to the laws of one of the states of the union and does business in Spartanburg County, South Carolina, and was so doing so at all times herein mentioned.
3. That this matter is being brought pursuant to South Carolina statutory and common law.

**FOR A SEOND CAUSE OF ACTION**  
**Negligence**

- 
4. That the allegations contained in the first cause are adopted, merged and incorporated herein.
  5. That on or about September 24, 2004, the Defendant corporation,

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NORFOLK SUPERIOR COURT

through its' employees, agents and servants, acting within the course and scope of their employment, was operating one of its freightrains in a northerly direction on part of its railroad tracks located in Pacolet, South Carolina when the Norfolk Southern engines teetered off the railroad track and plowed across the ground and, therefore, causing about twenty to sixty-nine cars to derail and one or several of these cars ended up invading the property of the Plaintiff herein, thereby, causing damage to certain real and personal property.

6. That the Defendant corporation either violated the Federal Railroad Safety Act or in the alternative, the common law negligent act fro the state of South Carolina in the following particulars, to wit:

- a. In failing to maintain a proper technical system for its switching devices at the spurge line located in this area;
- b. In failing to have the switching device in the proper position for this train as it came through;
- c. In failing to warn the approaching train that the switching device was in an improper position;
- d. In failing to have the alignment of the switches in the proper position;
- e. In failing to have instruments and devices to warn approaching trains that the switching devices were in an improper alignment position;

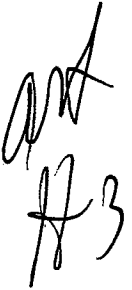
That all of which were the direct and proximate cause of the damages suffered by the Plaintiffs herein.

*md*  
*#127.*

**FOR A THIRD CAUSE OF ACTION**  
**Trespass**

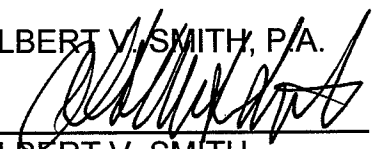
8. That the allegations contained in the first cause and second cause of actions are adopted, merged and incorporated herein.
9. That the Defendant, by having its railroad car boxes and containers land and invade property of the Plaintiffs, they trespassed into the land of the Plaintiffs and therefore did this trespass did result in certain damages of the real property of the Plaintiffs.
10. That the damages suffered by the Plaintiffs were directly and proximately caused by the trespass of the Defendant.
11. That the Plaintiff duly believe that they are entitle t actual and punitive damages a result of this trespass in an amount to be determined by the Court.

**WHEREFORE**, the Plaintiffs pray:

- 
1. That they be granted actual and punitive damages in an amount to be determined by the Court; as to the First Cause of Action;
  2. That they be granted actual and punitive damages in an amount to be determined by the Court; as to the Second Cause of Action
  3. For the costs of this action;
  4. And for such other and further relief as the Court may deem just and appropriate.

September 24, 2007  
Spartanburg, South Carolina

ALBERT V. SMITH, P.A.

  
ALBERT V. SMITH  
Attorney for Plaintiff  
410 Magnolia Street  
P.O. Box 5866  
Spartanburg, SC 29304  
864)585-8174

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ISAAC MITCHELL